



APPLICATION ACCEPTED: January 30, 2013
BOARD OF ZONING APPEALS: April 24, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 17, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-SP-010

SPRINGFIELD DISTRICT

APPLICANT: Mark D. Emlett

OWNERS: Mark D. Emlett
Jean K. Tunstall

SUBDIVISION: Little Rocky Run

STREET ADDRESS: 13925 South Springs Drive, Clifton, VA 20124

TAX MAP REFERENCE: 65-4 ((04)) 425

LOT SIZE: 9,791 square feet

ZONING DISTRICT: R-3 Cluster, WS

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 15.5 ft. from rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-SP-010 with adoption of the proposed development conditions contained in Appendix 1.

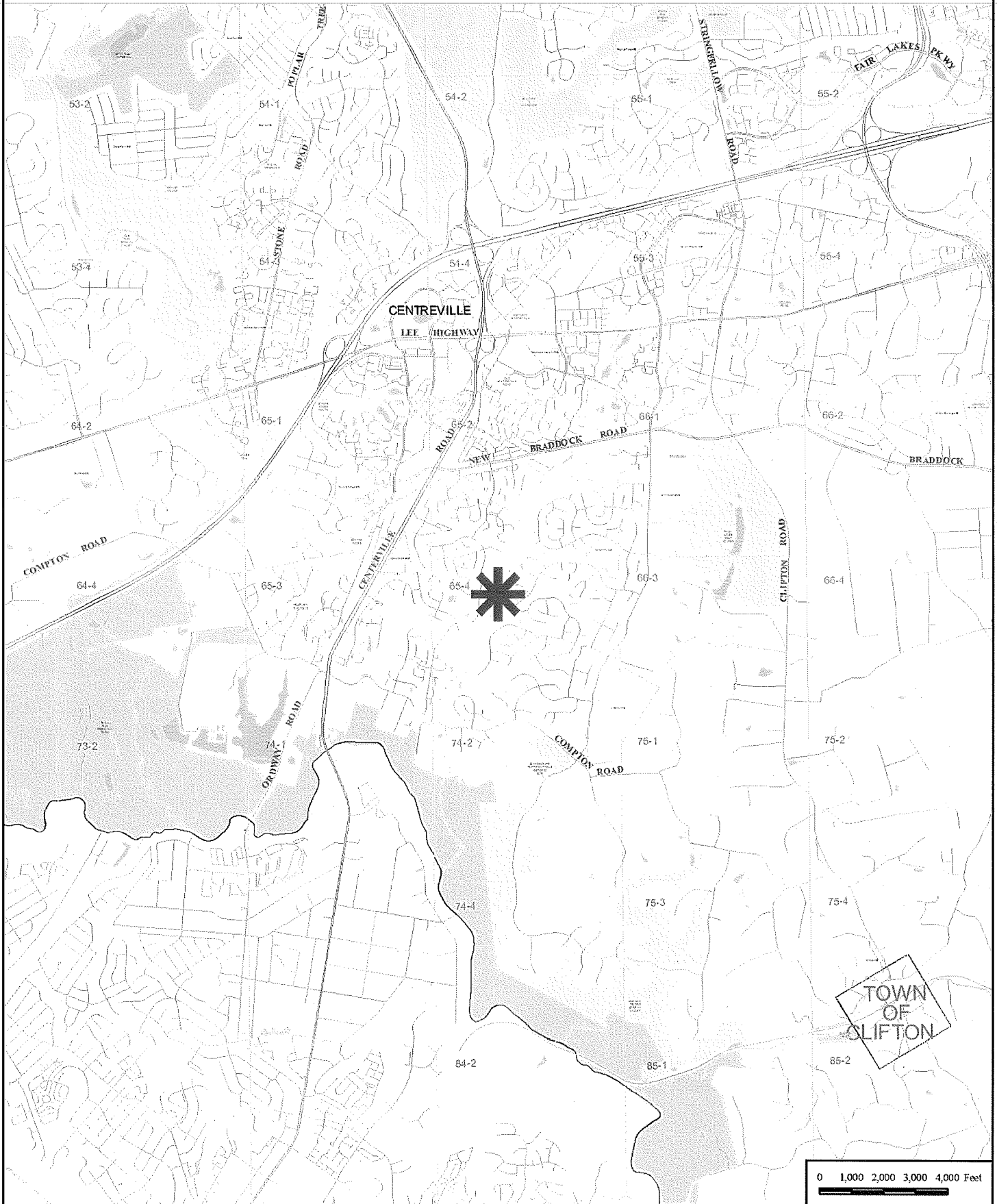
It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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Rebecca Horner

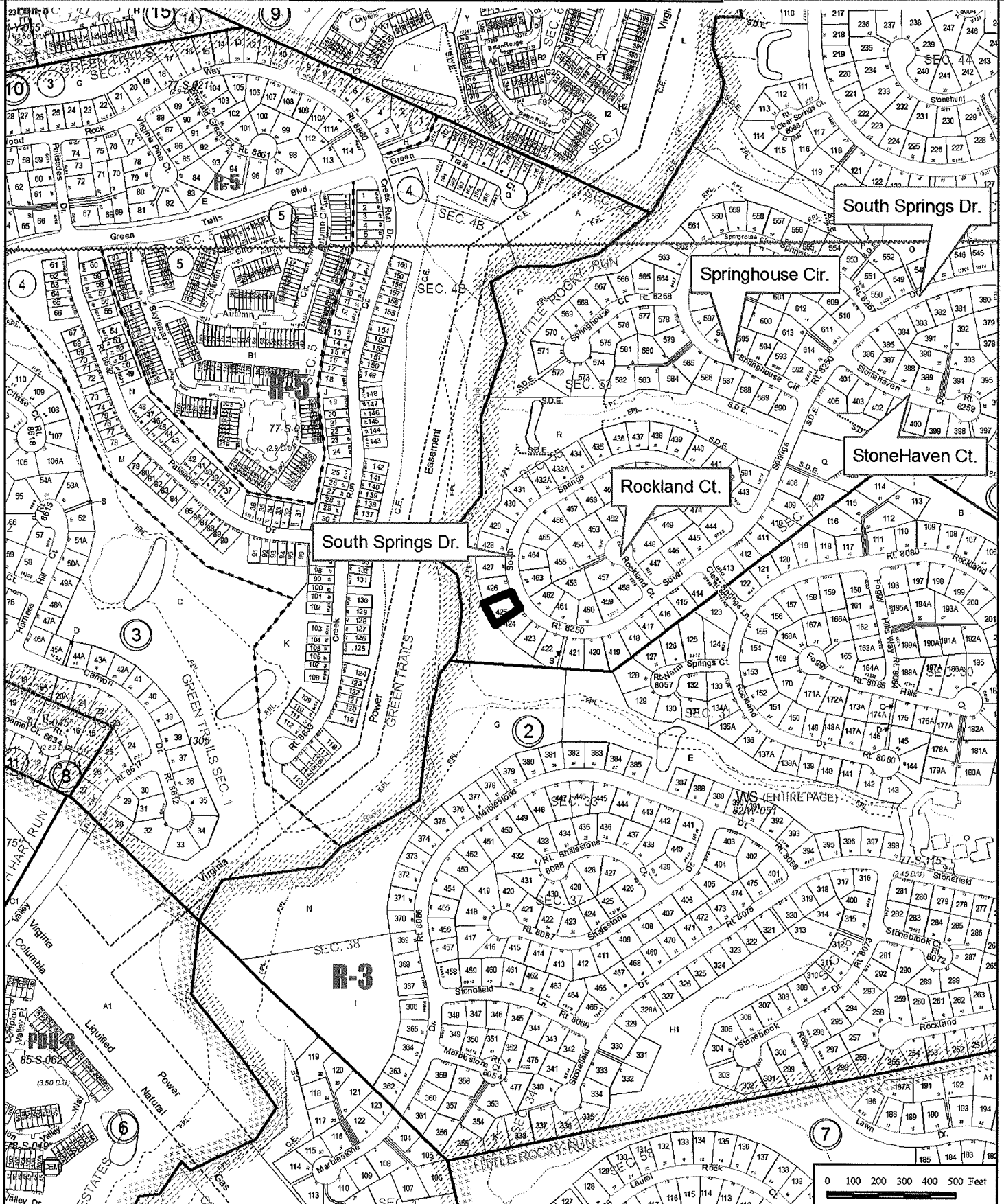
Special Permit

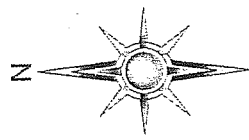
SP 2013-SP-010
MARK D. EMLET



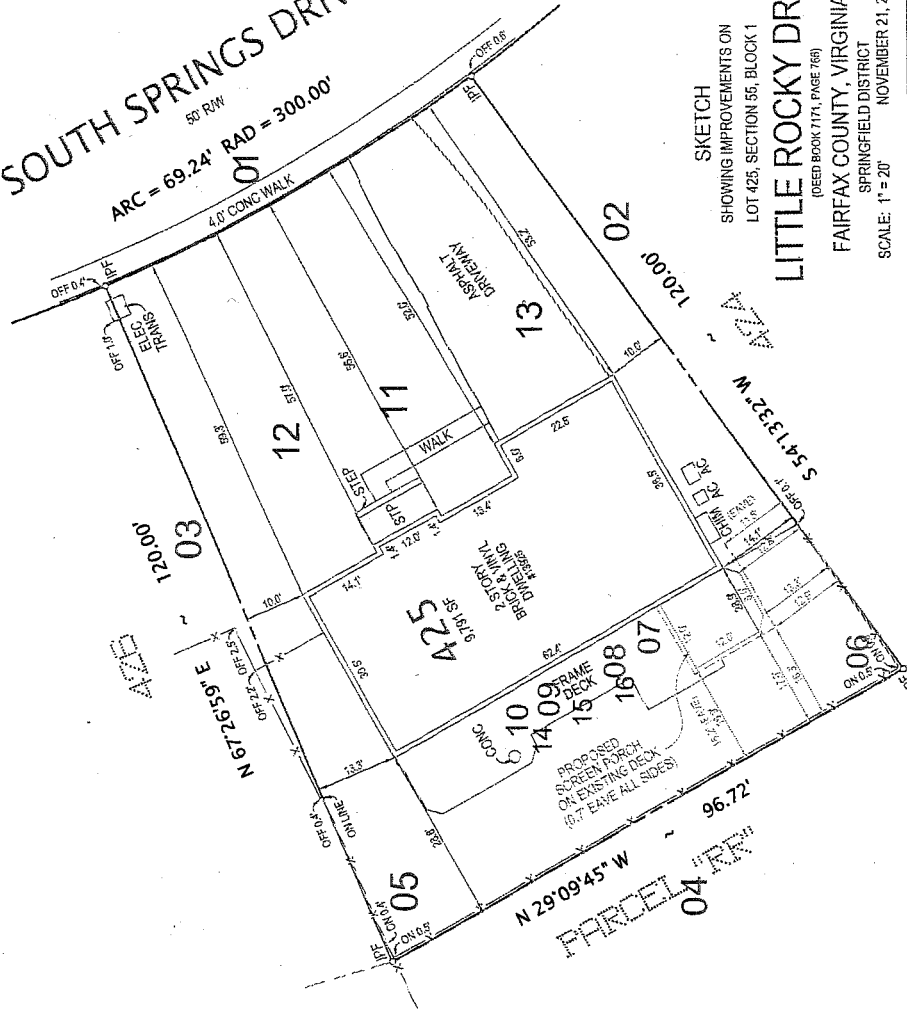
Special Permit

SP 2013-SP-010
MARK D. EMLET





SOUTH SPRINGS DRIVE
50' R/W
ARC = 69.24' RAD = 300.00'



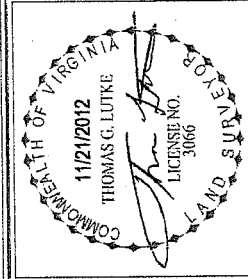
SKETCH
SHOWING IMPROVEMENTS ON
LOT 425, SECTION 55, BLOCK 1
LITTLE ROCKY DRIVE
(DEED BOOK 7171, PAGE 768)
FAIRFAX COUNTY, VIRGINIA
SPRINGFIELD DISTRICT
SCALE: 1" = 20' NOVEMBER 21, 2012

ORDERED BY:

MARK EMLET



8655 ROCKLEIGH WAY
ALEXANDRIA, VA 22315
703-684-4038
FAX: 703-684-4938



I HEREBY CERTIFY THAT THE LOCATIONS OF ALL
EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY
ESTABLISHED BY A CURRENT FIELD SURVEY AND
UNLESS SHOWN, THERE ARE NO VISIBLE
ENCROACHMENTS.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF
RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.

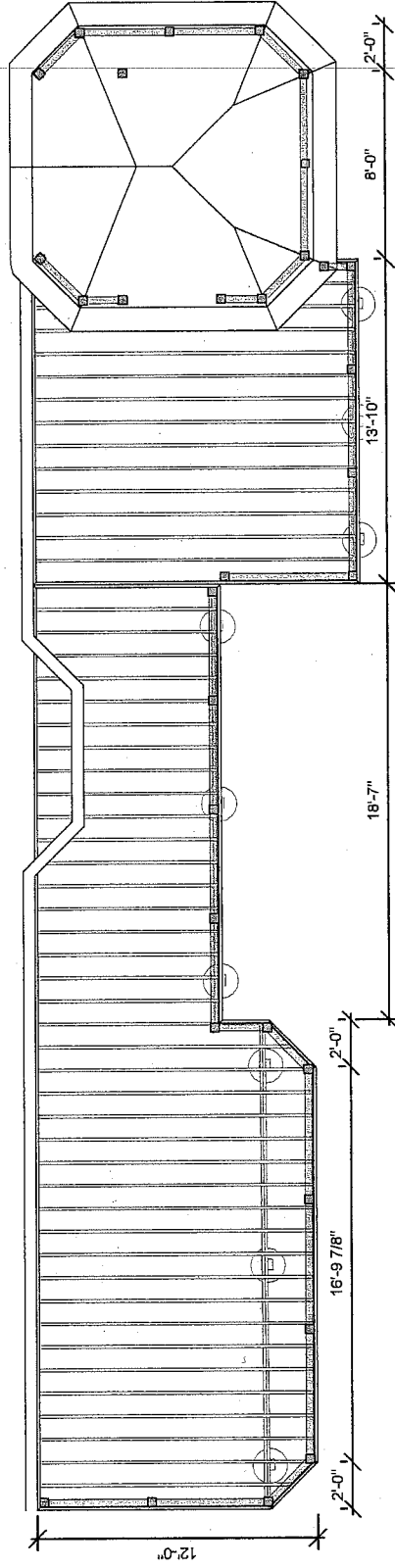
NOTES:


1. TAX MAP: 0654 04 0425
2. ZONE: R-3C(R-3 W/CLUSTER DEVELOPMENT)
3. LOT AREA: 9,791 SF
4. REQUIRED YARDS:
FRONT: = 20.0 FEET (20.0 FEET TOTAL)
SIDE: = 8.0 FEET
REAR: = 25.0 FEET
5. HEIGHTS:
EX. DWELLING = 33.0 FEET
DECK = 9.7 FEET
PROPOSED PORCH = 21.2 FEET (11.5 PORCH + 9.7 DECK)
FENCES = 6.3 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. EX. GROSS FLOOR AREA = 4423
12. PROPOSED GROSS FLOOR AREA = 4423
13. FLOOR AREA RATIO: GFA (4423)/LOT AREA (9719) = 0.46
14. EXISTING EAVES ARE HIGHER THEN 10 FEET.
15. UTILITIES ARE UNDERGROUND.
16. FENCES ARE FRAME.

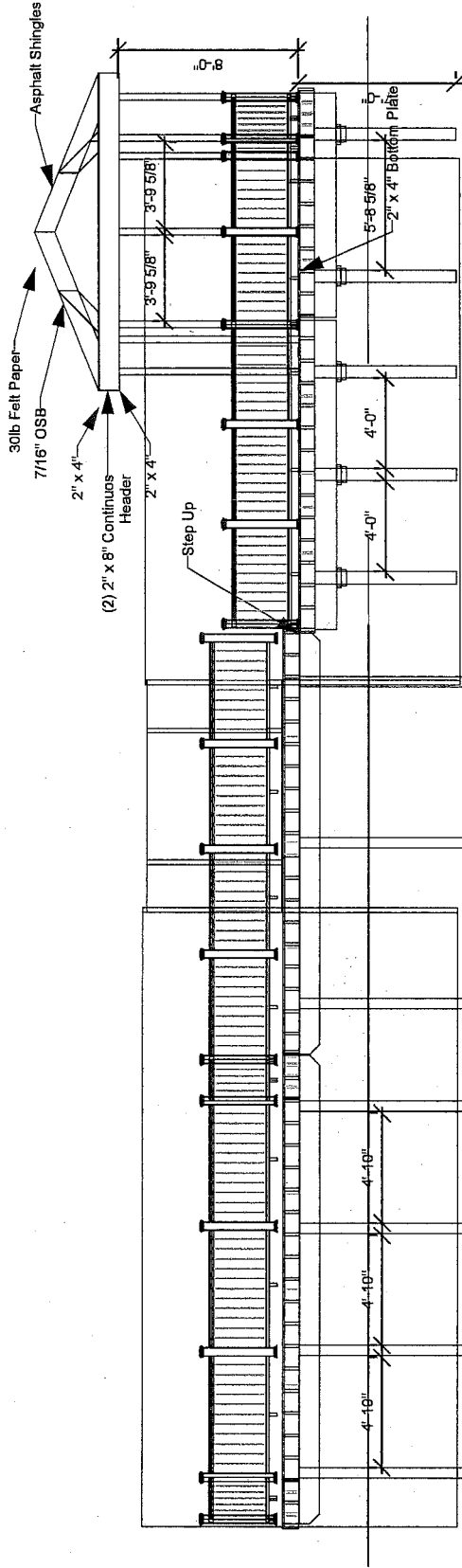
PICTURE LOCATIONS


CASE NAME: EMLET

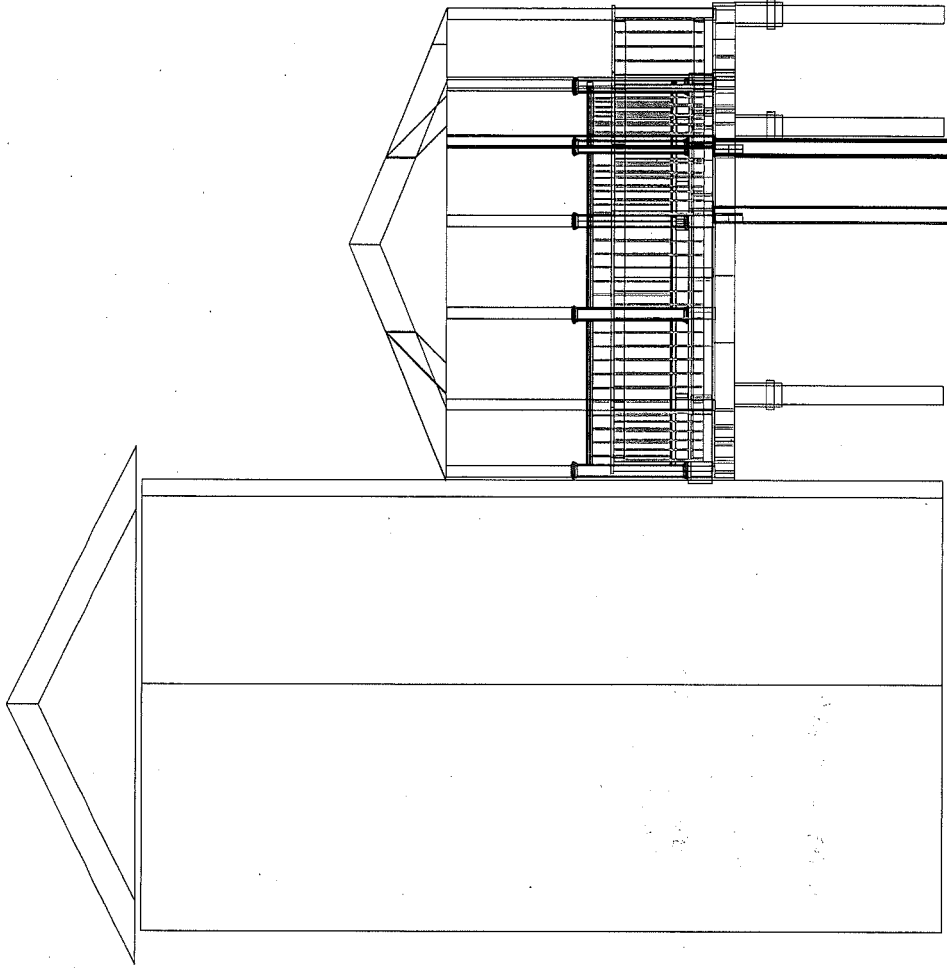
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	General Contractor Outdoor Escapes 200 Sand Trap Ln. Locust Grove, VA 22508 1-866-681-4871	Project Title Mark Emler & Jean K. Tunstall 13925 South Springs Dr. Clifton, VA 20124	Project Manager James Parascand Date July 30, 2012	Drawing Title Drawing 1 Scale 1/8" = 1'	
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 Outdoor Escapes 200 Sand Trap Ln. Locust Grove, VA 22508 1-866-681-4871	Project Title Mark Emlet & Jean K. Tunstall 13925 South Springs Dr. Clifton, VA 20124	Project Manager James Parascand Date October 1,, 2012	Drawing Title Front Elevation
			Scale 1/8" = 1'



General Contractor
Outdoor Escapes
200 Sand Trap Ln.
Locust Grove, VA 22508
1-866-681-4871

Project Title

Mark Emler & Jean K. Tunstall
13925 South Springs Dr.
Clifton, VA 20124

Project Manager

James Parascand

Date

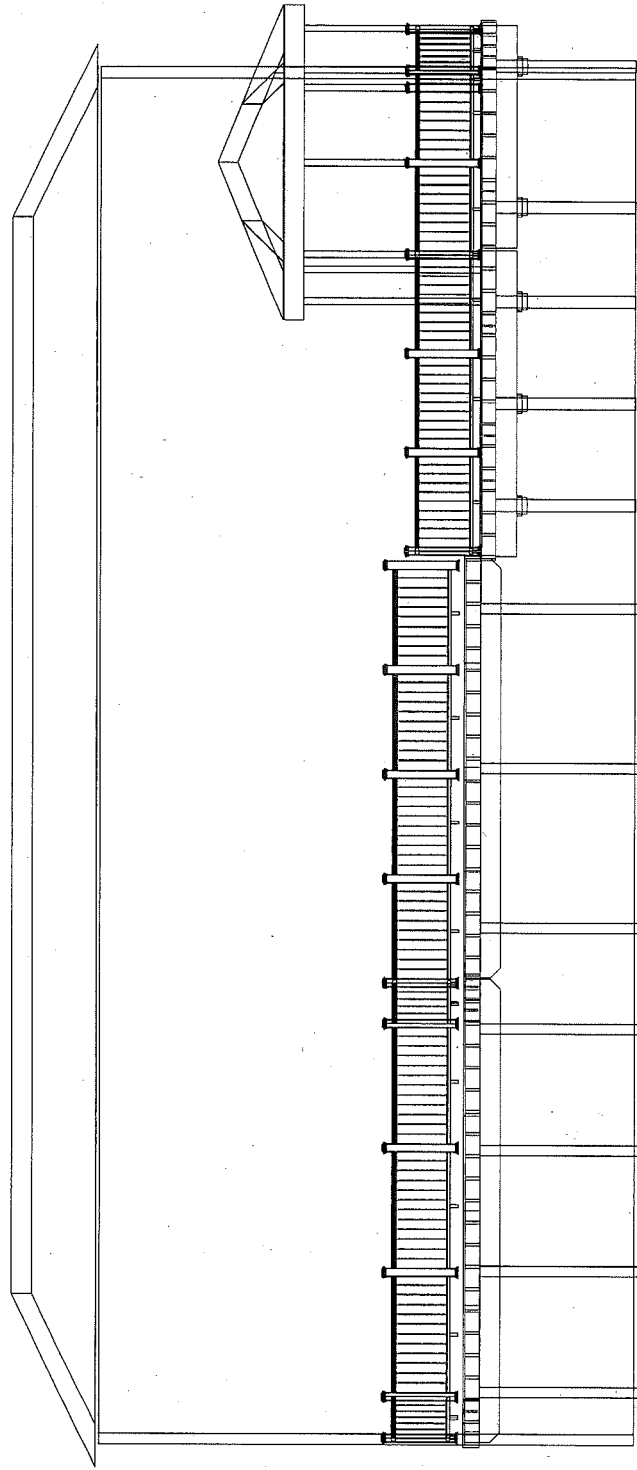
November 14, 2012

Scale

1/8" = 1'

Drawing Title

Left Elevation



General Contractor

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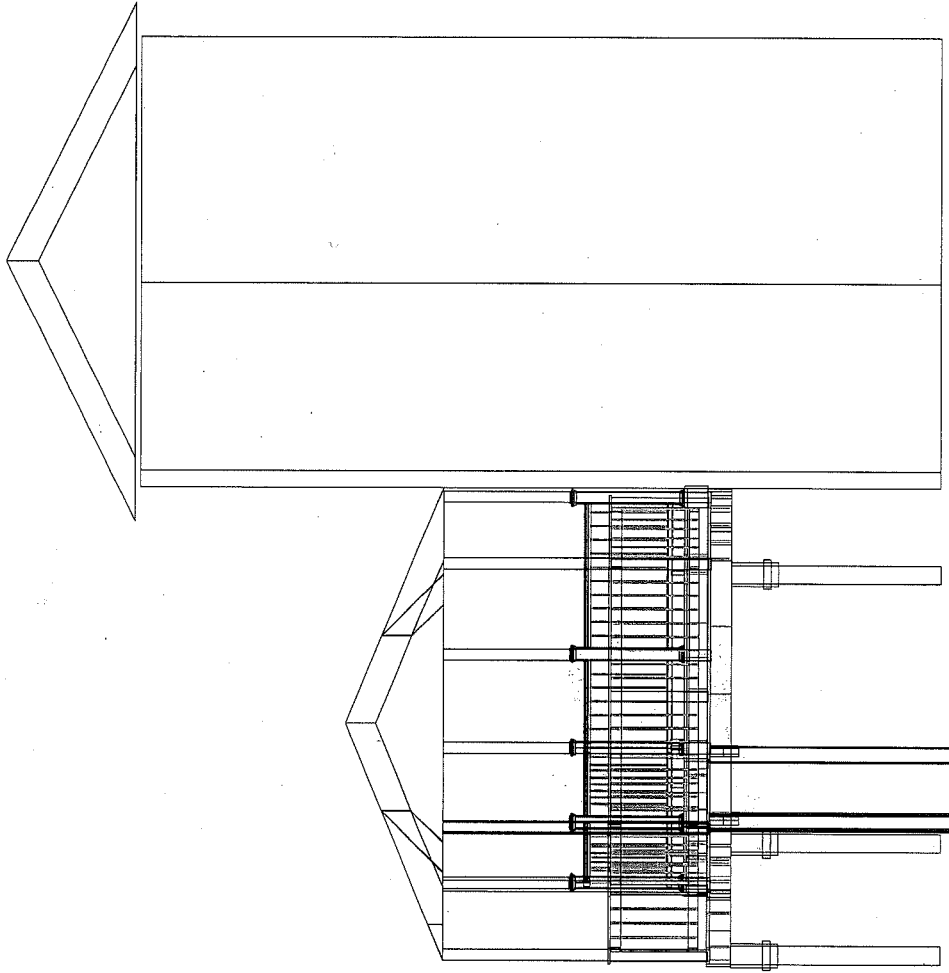
James Parascand
Date
November 14, 2012

Drawing Title

Front Elevation

Scale

1/8" = 1'



General Contractor

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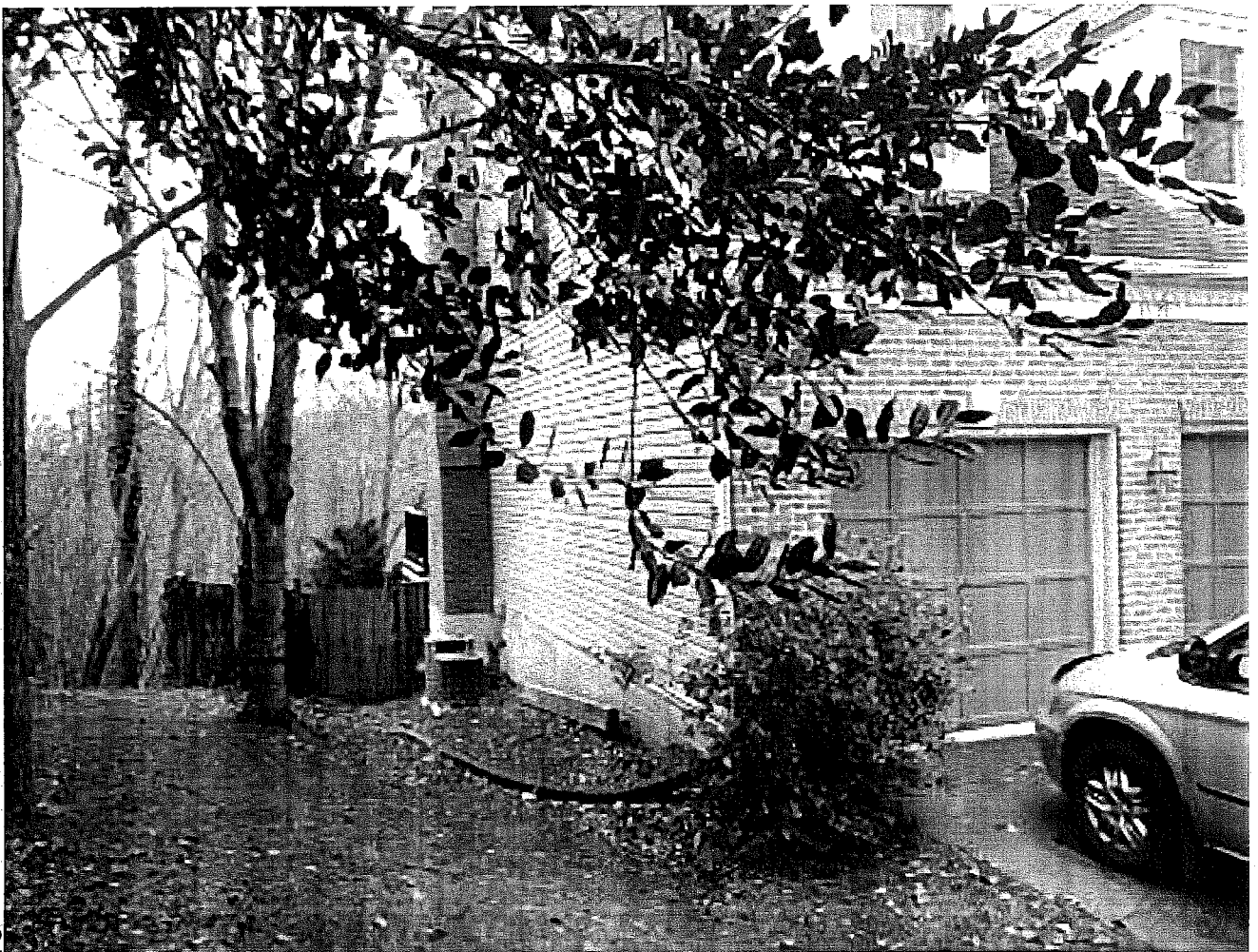
Right Elevation

Scale

1/8" = 1'



01



02



03



04



05



06



07



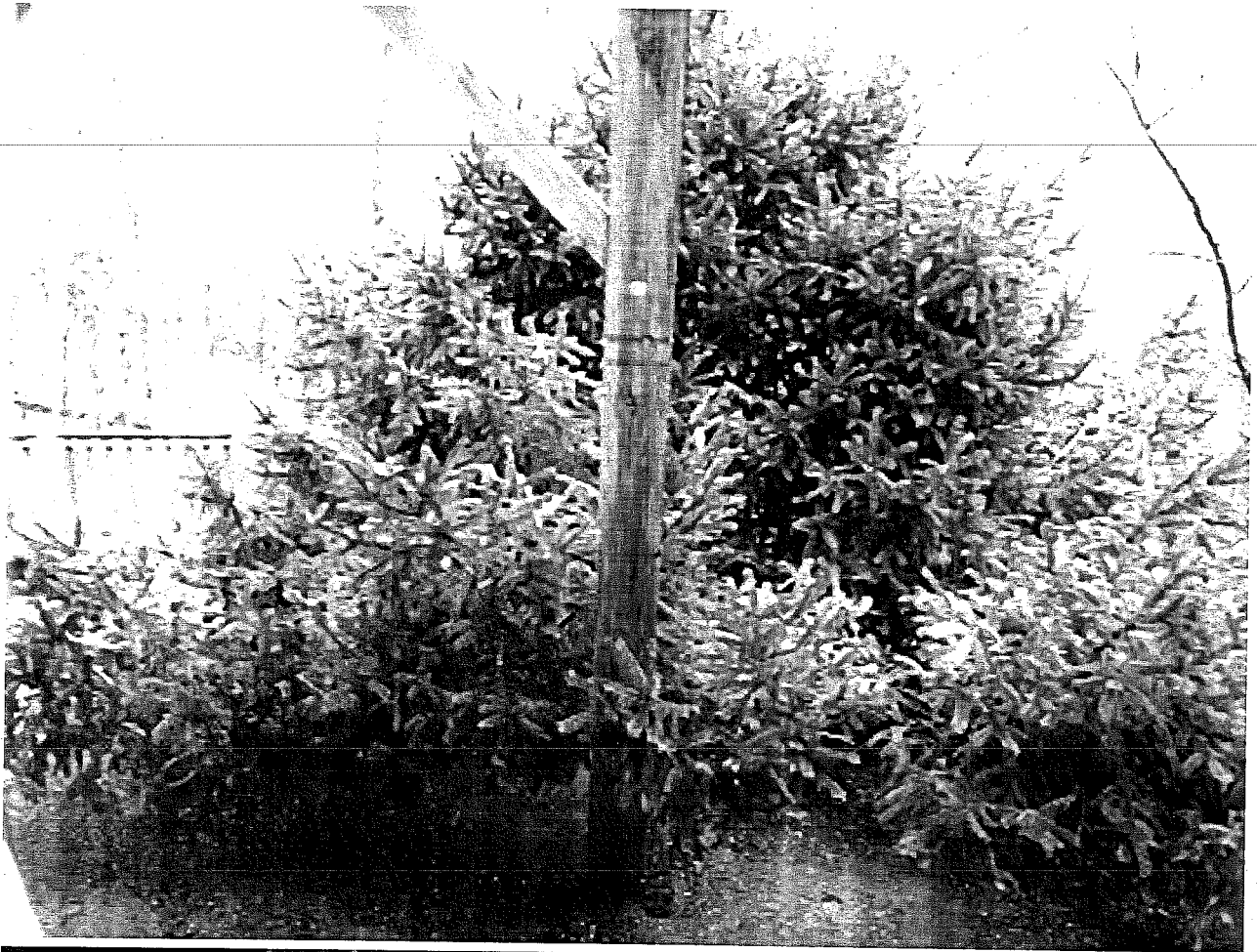
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09



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16

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval to permit a reduction of certain yard requirements to permit construction of an addition, a screened porch, 15.5 ft. from the rear lot line. The applicant requests to enclose a portion of an existing open deck. The proposed 144 square foot screened porch addition is to be constructed to match the existing dwelling.

The proposed addition will be located 15.5 feet, measured from the edge of the eave with gutter, from the rear lot line. The Zoning Ordinance requires a minimum rear yard of 25 feet, therefore, a modification of 9.5 feet (38%) is requested.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Rear	25 feet	15.5 feet	9.5 feet	38%

* Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The 9,791 square foot lot is currently zoned R-3, and is developed under the cluster provisions of the Zoning Ordinance. It is located within a Water Supply Overlay District, and developed with a 4,279 square feet single family detached dwelling. The rear yard contains an existing open deck and patio which is attached to the dwelling.

The lot slopes toward the rear lot line. The property contains several mature trees, shrubs and foundation plantings. A 6.3 foot high fence is located along the rear and side property line enclosing a portion of the backyard.

The dwelling has a hard surfaced driveway which accesses South Springs Drive and terminates at an attached garage. A hard surfaced walkway connects the driveway to the front of the dwelling.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3C	Single-Family Detached Dwellings
East	R-3C	Single-Family Detached Dwellings
South	R-3C	Open Space
West	R-3C	Open Space

BACKGROUND

The dwelling was constructed in 1992. A building permit was issued on October 9, 2012 for an open deck.

A copy of the special permit plat entitled "Sketch, Showing Improvements on Lot 425, Section 55, Block 1, Little Rocky Drive" prepared by NoVa Surveys, dated November 21, 2012, is included at the front of the staff report.

Following the adoption of the current Ordinance, the BZA has heard the following variance and special permit applications in the vicinity of the application parcel:

- Variance VC 00-Y-044 was approved July 19, 2000 for tax map 65-4 ((02)) 413, zoned R-3, at 13595 Shalestone Drive, to permit construction of addition 12.3 feet from rear lot line.
- Variance VC 00-Y-046 was approved June 27, 2000 for tax map 65-4 ((02)) 248, zoned R-3, at 6631 Rockland Drive to permit construction of addition 20.6 feet from rear lot line.
- Variance VC 88-S-077 was approved August 5, 1988 for tax map 65-4 ((02)) 279, zoned R-3, at 13905 Stonefield Drive, to allow construction of enclosed porch addition to dwelling 20.0 feet from rear lot line.
- Variance VC 90-S-064 was approved September 14, 1990 for tax map 65-4 ((04)) 379, zoned R-3, at 6323 South Springs Circle, to allow construction of addition 19.3 feet from rear lot line.
- Variance VC 92-Y-086 was approved November 4, 1992 for tax map 65-4 ((02)) 337, zoned R-3, at 13952 Stonefield Drive, to allow construction of addition 21 feet from rear lot line, and allow construction of deck stairs 12.4 feet from rear lot line.
- Variance VC 92-Y-138 was approved March 31, 1993 for tax map 65-4 ((04)) 531, zoned R-3, at 13648 South Springs Drive, to allow construction of addition 6.5 feet from rear lot line.
- Variance VC 96-Y-107 was approved October 16, 1996 for tax map 65-4 ((03)) (04) 85, zoned R-5, at 6552 Palisades Drive, to permit construction of addition 12.0 feet from rear lot line.
- Variance VC 99-Y-033 was approved May 26, 1999 for tax map 65-4 ((02)) 229, zoned R-5, at 6612 Rockland Drive to permit construction of addition 20.8 feet from rear lot line.
- Variance VC 99-Y-034 was approved on May 26, 1999, for tax map 65-4 ((03)) 63, zoned R-5, at 14216 Pony Hill Court, to permit construction of addition 17.2 feet from rear lot line.

- Special Permit SP 2009-SP-106 was approved on March 24, 2010, for tax map 65-4 ((04)) 391, zoned R-3, at 6410 Stonehaven Court, for reduction of certain yard requirements to permit addition 12.5 feet from the rear lot line.
- Special Permit SP 2011-SP-024 was approved on June 8, 2011, for tax map 65-4 ((02)) 435, zoned R-3, at 6628 Shalestone Court, for reduction of certain yard requirements to permit construction of addition 14.0 feet from rear lot line.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *The general character of the neighborhood is residential. The applicants propose to build the screened porch addition in the location of a portion of an existing deck. The addition will be harmonious with the existing dwelling and neighborhood.*

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to existing accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.*

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *According to the applicant's statement of justification, the*

existing dwelling has 4,279 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 6,418.5 square feet square feet in size for a possible total building size of 10,697.5 square feet living area. The proposed addition is approximately 144 square feet in area, thereby realizing a total house size of 4,423 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and statement of justification submitted indicate that the materials, size and scale of the proposed screened porch addition will be compatible with the existing structure. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure. The proposed addition will enclose a portion of an existing open deck. Staff believes the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains residential homes with additions in the rear yards. The new addition will be incorporated into the bulk of the existing dwelling and be minor in scale. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. There is no RPA on the lot. The addition does not add impervious area because it is proposed to be on an existing deck. Staff believes this standard is met.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed addition is in an area without existing trees. The area of the addition is on the existing deck. It appears there will be no impact to existing vegetation and no new impervious area, therefore staff believes that the application meets this provision.

CONCLUSION

Staff finds that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2013-SP-010 for the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-SP-010

April 17, 2013

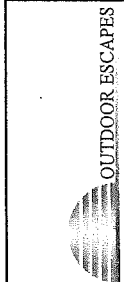
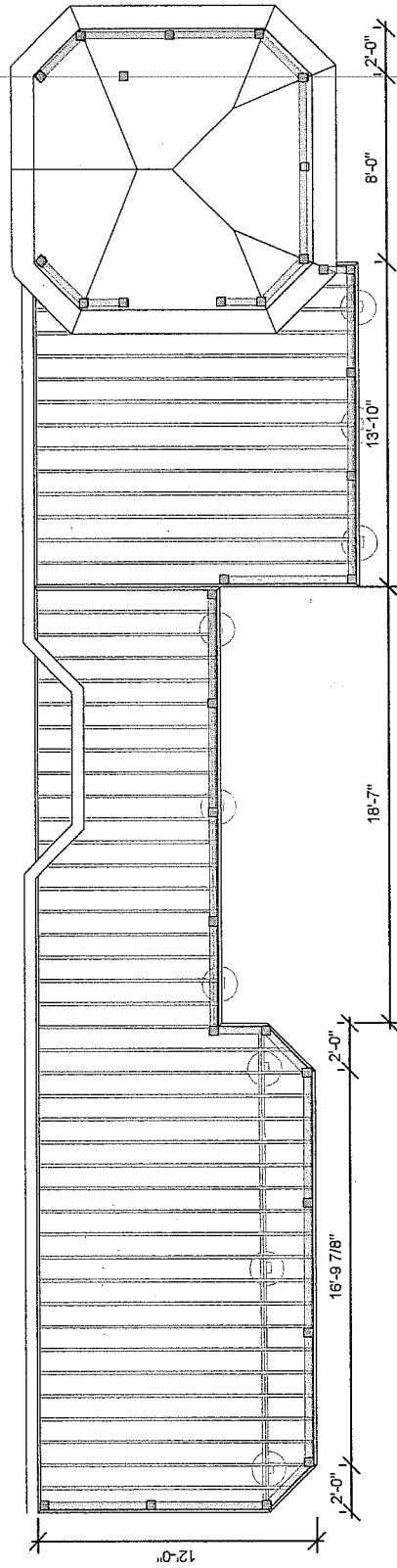
If it is the intent of the Board of Zoning Appeals to approve SP 2013-SP-010 located at 13925 South Springs Drive, Tax Map 65-4 ((04)) 425 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 144 square feet) of the addition, as shown on the plat prepared by Thomas G. Lutke, Land Surveyor, dated November 21, 2012, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (4,279 square feet existing + 6,418.5 square feet (150%) = 10,697.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional

time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



General Contractor
Outdoor Escapes
 200 Sand Trap Ln.
 Locust Grove, VA 22508
 1-866-681-4871

Project Title

Mark Emler & Jean K. Tunstall
 13925 South Springs Dr.
 Clifton, VA 20124

Project Manager

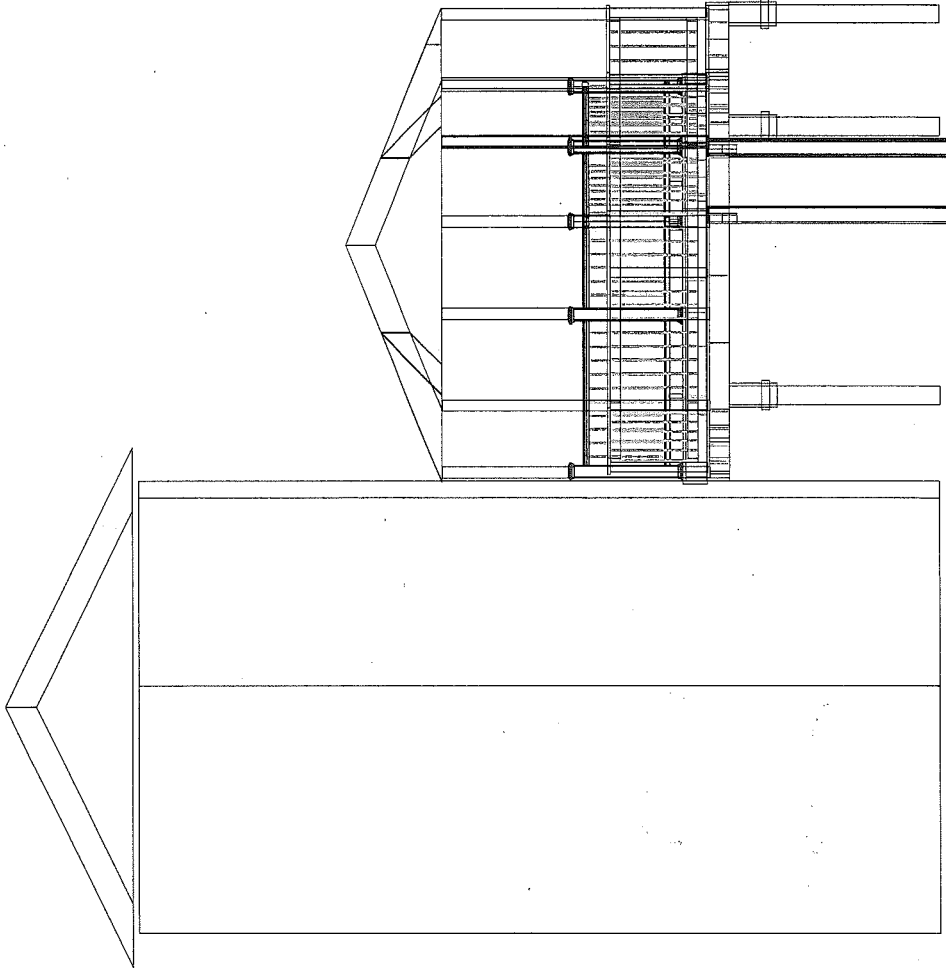
James Parascand

Drawing Title

Drawing 1

Scale

1/8" = 1'



General Contractor

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Date

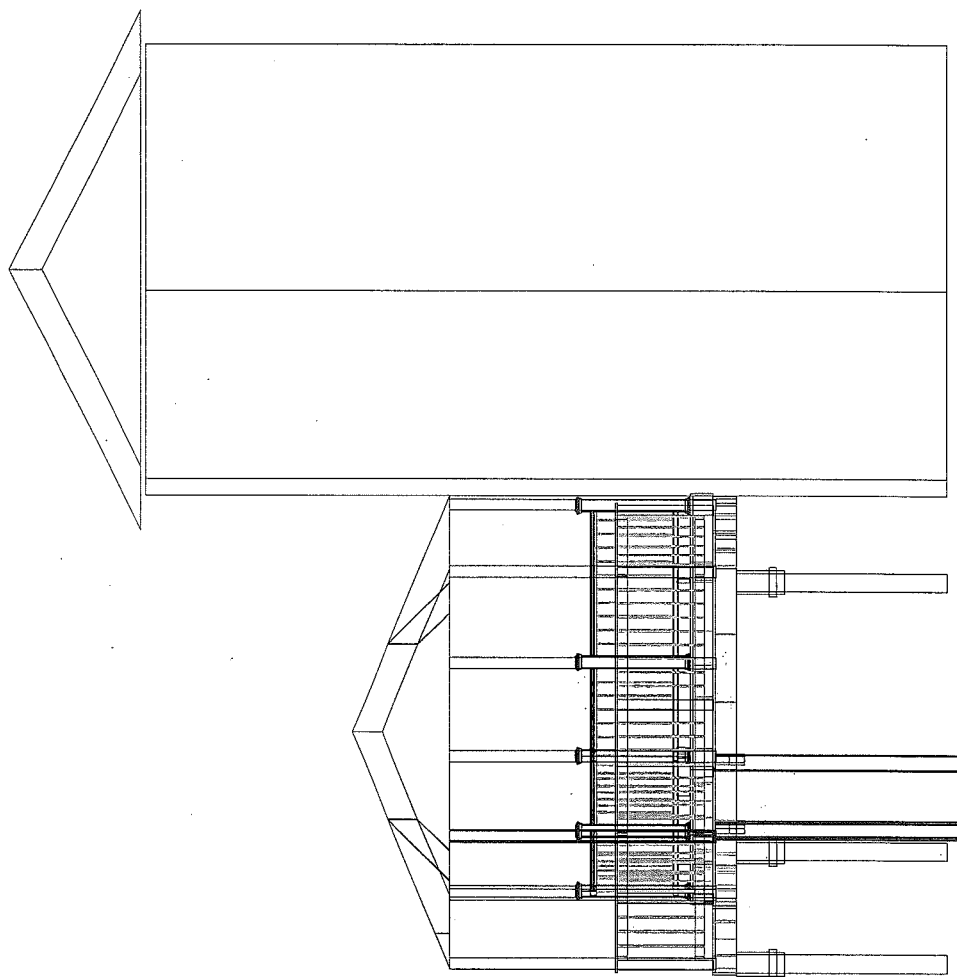
November 14, 2012

Drawing Title

Left Elevation

Scale

1/8" = 1'



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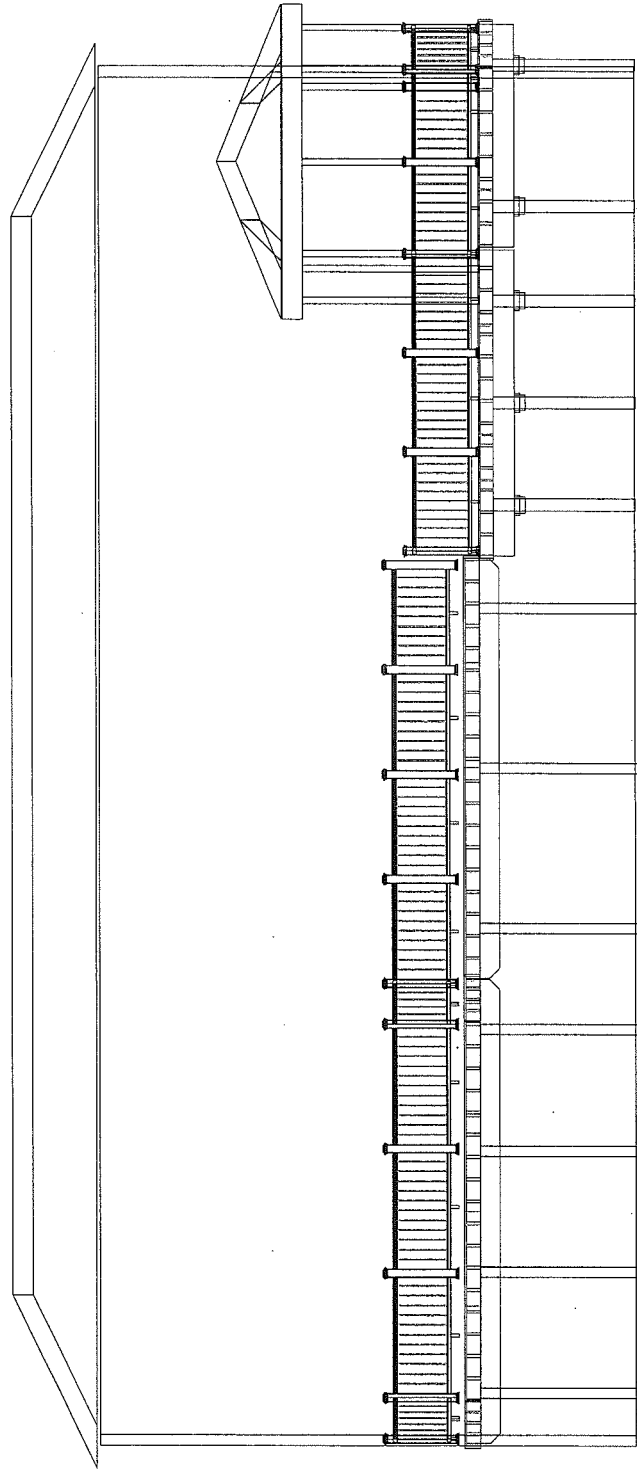
November 14, 2012

Scale

1/8" = 1'

Drawing Title

Right Elevation



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Clifton, VA 20124

Project Manager

James Parascand

Date

November 14, 2012

Drawing Title

Front Elevation

Scale

1/8" = 1'

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 13 NOV 2012
 (enter date affidavit is notarized)

I, MARK D. EMLLOT, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

119305

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
MARK D. EMLLOT	13925 SOUTH SPRINGS DRIVE CLEFTON, VA 20124	SELF/OWNER
JEAN K. TUNSTALL	13925 SOUTH SPRINGS DRIVE CLEFTON, VA 20124	WIFE/OWNER

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 13 NOV 2012
(enter date affidavit is notarized)

119305

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

N/A

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 13 NOV 2012
(enter date affidavit is notarized)

119305

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 13 Nov 2012
(enter date affidavit is notarized)

119305

1(d). One of the following boxes **must** be checked:

- ☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

N/A

- ☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None
N/A

- (check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 13 NOV 2012
(enter date affidavit is notarized)

119305

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

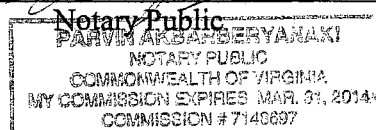
☒ Applicant

[] Applicant's Authorized Agent

MARK D. EMILY
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 13 day of NOV 2012 in the State/Comm. of Fairfax, County/City of VA.

My commission expires: MAR. 31. 2014



12 November 2012

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

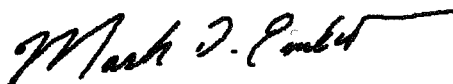
To Whom It May Concern:

We are seeking an exception to the 25' rear-yard setback restricting the Southwest side of the lot in question. The existing open deck is over 12' from the side-yard property line and 17' from the rear-yard property line which backs directly on to the Little Rocky Run Stream Valley, and is thus almost 1/4 mile from the closest neighboring property on the far side of the heavily forested stream valley [see house pictures 07-10]. This particular location, as a result of its proximity to the stream valley, has a much higher population than usual of both Deer Ticks [potentially carrying Lyme disease] and Mosquitoes [potentially carrying West Nile virus]. Due to these conditions, and my wife's and my own sensitivity to mosquito bites, we would like to build a roof on top of the existing South-East end of the open deck [matching the existing house roof in color and character as well as the existing deck structure and materials] for a gazebo like structure with insect screening around the sides to allow us the use of at least a portion of our deck during the ~2/3 of the year that the insects are a problem. No effect is anticipated on the environment or existing footprint of house and deck. No hazardous or toxic substances, hazardous waste or petroleum products are stored or will be generated, treated or disposed of on this site. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards except as described in this Special Permit Request justification.

The existing principle structure and deck are within code. The South-East end of the deck is 17' from the rear-yard property line [thus only 8' into the 12' extension apparently allowed for in 2-412], nevertheless we seem to need an exception to Zoning Ordinance Section 3-307 requiring a 25' rear-yard setback to attach a roof with screening to said deck. The resulting gross floor area of the clearly subordinate addition [~144 sq. ft.] [which of course already exists as an open deck], when added to the principal structure [total 4423 sq. ft.] is 3.3% greater than the original principal structure's gross floor area [4279 sq. ft.]. There is no effect on side or front yards. The Little Rocky Run Architectural Review Board has already reviewed and approved the Deck with Gazebo as pertains to the issues addressed in 8-922.6-9, and all the effected neighbors were offered a chance to provide input during their review.

The proposed new front and side elevations are attached for visual context.

Thank you for your time and consideration in this matter.



Mark D. Emlet, Owner

RECEIVED
Department of Planning & Zoning

JAN 28 2013

Zoning Evaluation Division

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 1/2" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.

- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.